

NEA ARPA REGRANTING GUIDANCE

Subgrantees must further comply with the guidance below as part of acceptance of an FAC NEA regrant from ARPA funds

NATIONAL HISTORIC PRESERVATION ACT

If your project activities have the potential to impact any structure that is eligible for or on the National Register of Historic Places, adjacent to a structure that is eligible for or on the National Register of Historic Places, or located in an historic district, you will be asked to provide additional information about your project or take additional action so that the agency can review and comply with the National Historic Preservation Act (NHPA). NHPA also applies to any planning activities that may affect historic properties or districts. The additional agency review must be completed prior to any agency funds being released.

If your project activities have the potential to impact the environment or environmentally sensitive resources, you will be required to provide information in accordance with the National Environmental Policy Act (NEPA). The additional agency review must be completed prior to any agency funds being released

ACCESSIBILITY

All NEA-funded projects must be accessible to people with disabilities. Funded activities must be held in a physically accessible venue and program access and effective communication must be provided for participants and audience members with disabilities. If your project is recommended for funding, you will be asked to provide detailed information describing how you will make your project physically and programmatically accessible to people with disabilities. This can include, but is not limited to providing:

- Buildings and facilities (including projects held in historic facilities) that are physically accessible. This includes, but is

not limited to: ground-level entry, ramped access, and/or elevators to the venue; integrated and dispersed wheelchair seating in assembly areas; wheelchair-accessible box office, stage, and dressing rooms; wheelchair-accessible display cases, exhibit areas, and counters; wheelchair-accessible restrooms and water fountains; and accessible workspaces for employees.

- Public contact information for requesting accommodations.
- Accessible and screen reader-compatible electronic materials, documents, websites, virtual platforms, and inclusion of alternative text for images.
- Print materials in alternative formats, such as large-print brochures/labels, Braille, audio guides, and electronic/digital formats.
- Accommodations for performances, tours, virtual streamed events, conferences, and lectures, such as audio description, tactile opportunities, sign language interpretation, real-time captioning, and assistive listening devices.
- Tactile art, signage, sculpture, and representations of two-dimensional artwork.
- Closed/open captioning of television broadcasts, videos, films, and virtual streamed events.
- Transcripts of radio programs and podcasts.
- Sensory-friendly programming, spaces, and approaches for people with sensory-processing issues and other neurological conditions.

See the Nondiscrimination Statutes in the NEA's "Assurance of Compliance."

For technical assistance on how to make your project accessible see the NEA's Accessibility Resources.

CHANGES IN PROJECTS

Applicants must notify the FAC of any significant changes in their project that occur after they have submitted their application immediately. If the project or the organization's capacity changes significantly before an award is made, the FAC may revise or withdraw the funding recommendation.

Grantees are expected to carry out a project that is consistent with the proposal that was approved for funding by the FAC. If changes in the project are required, the grantee must submit a request with justification for the change(s) through an electronic communication to info@frederickartscouncil.org for review by the NEA ARPA Grant Committee. Approval is not guaranteed.

PROJECT REPORTING AND EVALUATION

Organizations must submit an acceptable Final Report. Final report template will be provided.

We ask all applicants to define what they would like to achieve, how they will evaluate the degree to which it is achieved, and, upon completion of the project, what they have learned from their experiences. When a grant is completed, you must submit a final report and answer questions detailing your accomplishments, who benefited, and the resulting impact of your project as well as list the involvement of key partners, funders, and artists.

Beyond the reporting requirements for all grantees, selected grantees will be asked to assist in the collection of additional information that can help the NEA determine the degree to which agency objectives were achieved. You may be required to provide evidence of project accomplishments including, but not limited to, work samples, community action plans, cultural asset studies, programs, reviews, relevant news clippings, and playbills. Remember that you are required to maintain project documentation for three years following submission of your final reports.

Implementation of Title 2 CFR Part 200 Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards

This guidance from the federal government's Office of Management and Budget (OMB) establishes clarity and consistency of the pre- and post-award requirements applicable to federal grantees. Under the authority listed above, the NEA adopts the OMB Guidance in 2 CFR part 200 under §3255.1 Adoption of 2 CFR Part 200. This part gives regulatory effect to the OMB guidance and supplements the guidance as needed for the NEA.

GENERAL TERMS & CONDITIONS

Federal and agency requirements that relate to grants awarded by the NEA are highlighted in our General Terms & Conditions (GTC). The GTC incorporates the adoption of 2 CFR Part 200 by reference. The document also explicitly identifies where the NEA has selected options offered in the regulation, such as budget waivers and requirements for use of program income. It also includes agency requirements for cost share/matching funds, reporting requirements, amendment processes, and termination actions.

LEGAL REQUIREMENTS:

NOTE: The list below highlights some of the significant legal requirements that may apply to an applicant or grantee, however, it is not exhaustive. More information regarding these and other legal requirements may be found at Appendix A of our General Terms & Conditions which sets forth the National Policy and Other Legal Requirements, Statutes, and Regulations that Govern Your Award. There may be other applicable legal requirements that are not listed here.

By law, the Frederick Arts Council may support only those organizations that:

- Are tax-exempt. Organizations qualifying for this status must meet the following criteria:
 1. No part of net earnings may benefit a private stockholder or individual.
 2. Donations to the organization must be allowable as a charitable contribution under Section 170(c) of the Internal Revenue Code of 1954, as amended.

For further information, go to the Internal Revenue Service's (IRS) website.

Organizations who have had their IRS status revoked are not eligible for the NEA Frederick Arts Council's support. It is your responsibility to ensure that your status is current at the time of the application and throughout the life of your award. Additionally, projects must comply with the following best practices:

- Compensate all professional performers and related or supporting professional personnel on National Endowment for the Arts-supported projects at no less than the prevailing minimum compensation. (This requirement is in accordance with regulations that have been issued by the Secretary of Labor in 29 C.F.R. Part 505. This part does not provide information on specific compensation levels.)
- Ensure that no part of any NEA Frederick Arts Council-supported project will be performed or engaged in under working conditions which are unsanitary or hazardous or dangerous to the health and safety of the employees involved.

Some legal requirements apply to every applicant, for example:

- Compliance with the federal requirements that are outlined in the Assurance of Compliance below.

Debarment and Suspension procedures. The applicant must comply with the record keeping and other requirements set forth in Subpart C of 2 CFR 180, as adopted by the Arts Endowment in 2 CFR Part 3254. Failure to comply may result in the debarment or suspension of the grantee and the National Endowment for the Arts suspending, terminating and/or recovering funds.

Federal Debt Status (OMB Circular A-129). Processing of applications will be suspended when applicants are delinquent on federal tax or non-tax debts, including judgment liens against property for a debt to the federal government. An organization's debt status is displayed in the System for Award Management (SAM). New awards will not be made if an applicant is still in debt status as of September 1.

Labor Standards (29 C.F.R. pt 505). If a grant is awarded, the grantee must comply with the standards set out in Labor Standards on Projects or Productions Assisted by Grants from the National Endowments for the Arts and Humanities.

The Drug-Free Workplace Act of 1988 (41 U.S.C. 701 et seq. and 2 C.F.R. Part 3256). The grantee is required to publish a statement regarding its drug-free workplace program as well as comply with other requirements.

Some legal requirements apply depending upon what the grant is funding, for example:

If your grant award is over \$2,000 and involves the construction, alteration, or repair of public buildings or public works, it must contain a clause setting forth the minimum wages to be paid to laborers and mechanics employed under the contract in accordance with The Davis-Bacon and Related Acts (DBRA).

Some legal requirements apply depending upon who the Applicant is, for example:

The Native American Graves Protection and Repatriation Act of 1990 (25 U.S.C. 3001 et seq.) – which applies to any organization that controls or possesses Native American human remains and associated funerary objects and receives Federal funding, even for a purpose unrelated to the Act (25 USC 3001 et seq.)

Assurance of Compliance

By signing and submitting its application form, the Applicant certifies that it is in compliance with the statutes outlined below and all related National Endowment for the Arts regulations and will maintain records and submit the reports that are necessary to determine compliance.

We may conduct a review of your organization to ensure that it is in compliance with these statutes. If the Arts Endowment determines that a grantee has failed to comply with these statutes, it may suspend or terminate the award, and/or recover funds. This assurance is subject to judicial enforcement.

The Applicant certifies that it does not discriminate:

- On the grounds of race, color, or national origin, in accordance with Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000d et seq.), implemented by the National Endowment for the Arts at 45 U.S.C. 1110.
- On the grounds of disability, in accordance with Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and the Americans with Disabilities Act of 1990 ("ADA"), as amended (42 U.S.C. 12101-12213), implemented by the National Endowment for the Arts at 45 U.S.C. 1151. The ADA's requirements apply regardless of whether you receive federal funds.
- On the basis of age, in accordance with the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.) implemented by the National Endowment for the Arts at 45 U.S.C. 1156.
- On the basis of sex, in any education program or activity, in accordance with Title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.).

Applicant will inform the public that persons who believe they have been discriminated against on the basis of race, color, national origin, disability, sex, or age may file a complaint with the Director of Civil Rights at the National Endowment for the Arts.

Applicant will forward all complaints for investigation and any finding issued by a Federal or state court or by a Federal or state administrative agency to:

Director, Office of Civil Rights
National Endowment for the Arts
400 7th Street, SW
Washington, DC 20506

Applicant shall maintain records of its compliance and submission for three (3) years. The Applicant will compile, maintain and permit access to records as required by applicable regulations, guidelines or other directives.

The Applicant must also certify that it will obtain assurances of compliance from all subrecipients and will require all subrecipients of National Endowment for the Arts funds to comply with these requirements.

The United States has the right to seek judicial or administrative enforcement of this assurance.

For further information and copies of the nondiscrimination regulations identified above, contact the Office of Civil Rights at 202-682-5454 or civilrights@arts.gov. For inquiries about limited English proficiency, go to <http://www.lep.gov>, the FOIA Reading Room, or contact the Office of Civil Rights at civilrights@arts.gov or 202-682-5454.